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8
9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

10 In the Matter of

11 **KRISTOFFER CARZOLI**

12
13 Holder of License No. T001397
14 As a Pharmacy Technician
In the State of Arizona

Board Case No. 16-0022-PHR

**CONSENT AGREEMENT
FOR CIVIL PENALTY AND
CONTINUING EDUCATION**

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17 In the interest of a prompt and judicious settlement of this case, consistent with the
18 public interest, statutory requirements and the responsibilities of the Arizona State Board
19 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Kristoffer Carzoli.
20 ("Respondent"), holder of Pharmacy Technician License T001397 in the State of
21 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions
22 of Law and Order ("Consent Agreement") as a final disposition of this matter.

23 **RECITALS**

24 1. Respondent has read and understands this Consent Agreement and has had
25 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
26 opportunity to discuss this Consent Agreement with an attorney.

1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning this matter at which hearing she could present evidence and cross
3 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
4 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
5 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
6 and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against him.

11 5. Respondent understands this Consent Agreement deals with Board
12 complaint number 4476 involving allegations of unprofessional conduct against
13 Respondent. The investigation into these allegations against Respondent shall be
14 concluded upon the Board's adoption of this Consent Agreement and Respondent's
15 compliance with the same.

16 6. Respondent understands that this Consent Agreement does not constitute a
17 dismissal or resolution of any other matters currently pending before the Board, if any,
18 and does not constitute any waiver, express or implied, of the Board's statutory authority
19 or jurisdiction regarding any other pending or future investigation, action or proceeding.

20 7. Respondent also understands that acceptance of this Consent Agreement
21 does not preclude any other agency, subdivision, or officer of this State from instituting
22 any other civil or criminal proceedings with respect to the conduct that is the subject of
23 this Consent Agreement.

24 8. Respondent acknowledges and agrees that, upon signing this Consent
25 Agreement and returning this document to the Board's Executive Director, he may not
26

1 revoke his acceptance of the Consent Agreement or make any modifications to the
2 document regardless of whether the Consent Agreement has been signed by the
3 Executive Director. Any modification to this original document is ineffective and void
4 unless mutually agreed by the parties in writing.

5 9. This Consent Agreement is subject to the approval of the Board and is
6 effective only when accepted by the Board and signed by the Executive Director. In the
7 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
8 be of no evidentiary value and shall not be relied upon nor introduced in any action by
9 any party, except that the parties agree that should the Board reject this Consent
10 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
11 Board was prejudiced by its review and discussion of this document or any records
12 relating thereto.

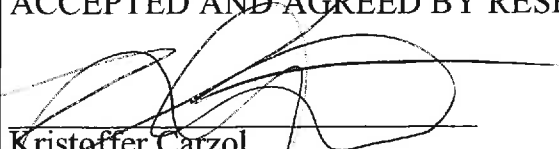
13 10. If a court of competent jurisdiction rules that any part of this Consent
14 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
15 shall remain in full force and effect.

16 11. Respondent understands that this Consent Agreement is a public record that
17 may be publicly disseminated as a formal action of the Board and may be reported as
18 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
19 Protection Data Bank.

20 12. Respondent understands that any violation of this Consent Agreement
21 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
22 1901.01(C)(16), -1927.01(A) (1).

23 13. Respondent agrees that the Board will adopt the following Findings of Fact,
24 Conclusions of Law and Order.
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1 ACCEPTED AND AGREED BY RESPONDENT

2 
3 Kristoffer Carzol
4 Certified Pharmacy Technician

Dated: 10/21/16

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6 **FINDINGS OF FACT**

7 1. The Board is the duly constituted authority for licensing and regulating the
8 practice of pharmacy in the State of Arizona.

9 2. Respondent is the holder of license number T001397 to practice as a
10 Pharmacy Technician in the State of Arizona.

11 3. During all relevant times to these findings, Respondent was employed as a
12 pharmacy technician by Kachina Pharmacy located at 2180 S. 4th Avenue, Yuma, AZ
13 85365.

14 4. The complaint was filed by Ayrn O'Connor, M.D. with Banner Health,
15 concerning patient A.B., then a 6 month old female.

16 5. The patient's physician wrote a prescription for Clonidine
17 (10mcg/ml)(micrograms); the prescription called for the patient to be given 0.5ml by
18 mouth twice daily. The prescription was compounded as an oral solution.

19 6. On 11/27/2015, Respondent performed the compounding of the
20 prescription and pharmacist John Makowsky (S011388) supervised the process and
21 conducted the DUR and final check.
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1 7. The prescription was sold three days later on 11/30/2015, with PIC David
2 Platt (S007874) on duty. Records indicate that counseling was declined.

3 8. The patient was given one dose (0.5ml) of the prescription and within 20
4 minutes, began experiencing side effects. The patient was transported to the hospital and
5 was diagnosed with alpha 2 agonist toxicity.

6 9. Subsequent analysis of the prescription product by the Arizona Department
7 of Health Services lab confirmed a clonidine concentration of 2000mcg/ml, which was
8 200 times the prescribed strength.

9 10. Clonidine powder and a scale were used during the compounding process
10 but because the amount of Clonidine was so small (10mcg/ml), a Clonidine tablet rather
11 than the powder should have been utilized.
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14 CONCLUSIONS OF LAW

15 1. The Board possesses jurisdiction over the subject matter and over
16 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

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18 2. The Board may discipline a pharmacy technician who has engaged in
19 unprofessional conduct. A.R.S. § 32-1927.01(A) (1).

20 3. The conduct and circumstances described above constitute a violation of
21 Arizona Administrative Code R4-23-1104(C), which provides that “[W]hen performing
22 the activities listed in subsections (A) and (B) for which the pharmacy technician or
23 pharmacy technician trainee has been trained, the pharmacy technician or pharmacy
24 technician trainee shall perform those functions accurately.”
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1
2 **ORDER**
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4 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
5 ORDERED THAT Respondent shall:

- 6 1. Pay a civil penalty to the Board in the amount of **\$500.00** within **180 days**
7 of the effective date of this Order; and
8 2. Successfully complete and provide proof of successful completion to the
9 Board of four (4) contact hours (0.4 C.E.U.) of American Council on Pharmaceutical
10 Education course(s) on the topic of **compounding**. The required course(s) must be
11 completed within **six (6) months** of the effective date on this Order and may be used to
12 satisfy the requirements of A.A.C. R4-23-1106.
13 3. The effective date of the Order is the date it is signed by the Board's
14 Executive Director.
15 4. Respondent shall pay all costs associated with complying with this Consent
16 Agreement.
17 5. If Respondent violates this Order in any way or fails to fulfill the
18 requirements of this Order, the Board, after giving the Respondent notice and the
19 opportunity to be heard, may revoke, suspend or take other disciplinary actions against
20 Respondent's license. The issue at such a hearing will be limited solely to whether this
21 Order has been violated.

22 DATED this 21st day of November, 2016.
23

24 ARIZONA STATE BOARD OF PHARMACY

25 (Seal)

26 By: 

Kamlesh Gandhi, PharmD..
Executive Director

ORIGINAL OF THE FOREGOING FILED
this 21st day of November, 2016, with:

Arizona State Board of Pharmacy
1616 W. Adams Street
Phoenix, Arizona 85007

COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this 21st day of November, 2016,

Kristoffer Carzoli
1997 W. 13th Lane
Yuma, AZ 85364

COPY OF THE FOREGOING MAILED
this 21st day of November, 2016, to:

Jeanne M. Galvin
Assistant Attorney General
1275 W. Washington Street, SGD/LES
Phoenix, Arizona 85007
Attorney for the Board

Doc # 5165189